

---

## Chapter 21.30A – Public Access and Recreation

---

### Sections:

21.30A.010	Purpose
21.30A.020	Applicability and Exemptions
21.30A.030	Protection and Provision of Public Access Required
21.30A.040	Determination of Public Access/Recreation Impacts
21.30A.050	Development Standards
21.30A.060	Access Title and Guarantee
21.30A.070	Timing of Access Requirements
21.30A.080	Management and Maintenance

### 21.30A.010 – Purpose

This Chapter provides procedures and standards for the preservation, dedication, and improvement of public access to, and along the shoreline and coastal bluffs, in conjunction with development in the Coastal Zone. The intent is to ensure that public rights of access to the shoreline are protected as guaranteed by the California Constitution, and where feasible, expanded and enhanced; to ensure public access to coastal bluffs; and to implement applicable policies the Coastal Land Use Plan.

### 21.30A.020 – Applicability and Exemptions

- A. **Applicability.** This Chapter applies to coastal development permit applications on development sites located between the shoreline and the first public roadway paralleling the shoreline or on coastal bluffs.
- B. **Exemptions.** The public access requirements of this Chapter shall not apply to the following development in compliance with the Coastal Act (Public Resources Code Section 30212):
  - 1. **Structure Destroyed By Disaster.** The replacement of a structure, other than a public works facility, destroyed by disaster, provided that the replacement structure:
    - a. Conforms to applicable coastal zoning district requirements in Part 2 (Coastal Zoning Districts, Allowable Land Uses, and Coastal Zoning District Standards);
    - b. Is for the same use as the destroyed structure;
    - c. Does not exceed the floor area, height, or bulk (i.e., total interior cubic volume as measured from the exterior surface of the structure) of the destroyed structure by more than 10 percent;
    - d. Is sited in the same location on the affected property as the destroyed structure; and

- e. Does not extend the replacement structure seaward on a sandy beach or beach-fronting bluff lot.
- 2. **Demolition and Reconstruction.** The demolition and reconstruction of a single-unit or two-unit residence provided that the reconstructed residence:
  - a. Does not extend seaward of the demolished residence on a sandy beach or beach-fronting bluff lot; and
  - b. Does not include or necessitate a new or enlarged shoreline protective device within the economic life of the structure.
- 3. **Improvements.** Improvements to a structure that do not:
  - a. Change the intensity of its use;
  - b. Increase either the floor area, height, or bulk of the structure by more than 10 percent;
  - c. Block or impede existing access;
  - d. Result in a seaward encroachment by the structure; and
  - e. Include or necessitate a new or enlarged shoreline protective device within the economic life of the structure.
- 4. **Repair and Maintenance of a Shoreline Protective Device.** The reconstruction or repair of a bulkhead; provided that the reconstructed or repaired bulkhead is not seaward of the location of the former bulkhead.
- 5. **Repair and Maintenance.** A repair or maintenance activity consistent with Public Resources Code Section 30212.b.(5).
- C. **Conflict.** In the event of a conflict between this Chapter and another provision in this Implementation Plan, the more restrictive regulation shall control.

#### **21.30A.030 – Protection and Provision of Public Access Required**

- A. **Protection of Existing Public Access.** Development shall not interfere with public right of access to the shoreline or coastal bluffs where the rights have been acquired through use or legislative authorization. Public access rights may include, but are not limited to, the use of dry sand and rocky beaches to the first line of terrestrial vegetation.
- B. **Provision of New Public Access.** An offer to dedicate an easement (or other legal mechanism pursuant to Section 21.30A.060) for the permanent right of lateral, vertical, and/or coastal bluff access shall be required as a condition of approval, and prior to issuance, of a coastal development permit or other authorization for any development causing or contributing to adverse impacts to public access, unless exempt in compliance with Section 21.30A.020 (B) or waived by the review authority in compliance with Section 21.30A.050 (J). Where feasible, public access to and along the shoreline and to beaches, coastal waters, tidelands, coastal parks, and trails shall be expanded and enhanced.
- C. **Recreation.** Park and recreational facilities provided for by dedications and/or in lieu fees shall be required consistent with Section 66477 of the Subdivision Map Act (known as

the Quimby Act) as a condition of approval and prior to issuance of a coastal development permit or other authorization for any development causing or contributing to adverse impacts to public recreation. Where feasible, recreational opportunities in the coastal zone shall be expanded and enhanced.

#### **21.30A.040 – Determination of Public Access/Recreation Impacts**

- A. **Relationship and Proportionality.** The provision of public access shall bear a reasonable relationship between the requirement and the project's impact and shall be proportional to the impact.
- B. **Methodology.** In determining a development's impact on public access, the City shall evaluate the factors listed below. Any access dedication required as a condition of approval shall be supported by substantial evidence in the record and findings shall explain how the adverse effects that have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and reasonably foreseeable projects.
  - 1. **Land Use.** The project's cumulative effect on use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation and other priority uses specified in California Public Resources Code Section 30222 and Section 30223.
  - 2. **Demand for Access and Recreation.** The project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including the ocean, harbor, bay, channels, estuaries, salt marshes, sloughs, beaches, coastal parks, trails, or coastal bluffs; the capacity of coastal access roads; public parking; and recreational support facilities and services.
  - 3. **Obstructions.** Any physical aspects of the project that would block or impede public access to and along the sea or shoreline and to coastal parks, trails, or coastal bluffs, including placement of structures, private streets, shoreline protective structures, barriers, guardhouses, gates, fences, or signs.
  - 4. **Visual Access.** The project's cumulative effects on public access to public views to the ocean, harbor, bay, channels, estuaries, salt marshes, sloughs, beaches, coastal bluffs, and other scenic coastal areas.
  - 5. **Vessel Launching, Berthing, and Storage.** The project's cumulative effects on vessel launching, berthing, and storage facilities and other facilities providing public access to the ocean, harbor, bay, channels, estuaries, salt marshes, and sloughs.
  - 6. **Shoreline Processes.** The project's cumulative effects upon shoreline conditions, including beach profile; the character, extent, accessibility and usability of the beach; erosion or accretion; character and sources of sand; wave and sand movement; and any other anticipated changes to shoreline processes that have the potential to adversely impact public access to and along the shoreline and to the harbor, bay, channels, estuaries, salt marshes, sloughs, and coastal bluffs.
  - 7. **Other Impacts.** Any other aspects of the project, which, individually or

cumulatively, are likely to diminish the public's use of the ocean, harbor, bay, channels, estuaries, salt marshes, sloughs, beaches, coastal parks, trails, or coastal bluffs.

#### **21.30A.050 – Development Standards**

This section provides standards for the location and configuration of public access to ensure public safety and to protect public rights, rights of private property owners and leaseholders, and natural resource areas from overuse.

##### **A. Site Planning and Design Criteria.**

1. **General.** Public access improvements shall be designed to:
  - a. Maximize public access to and along the shoreline and coastal bluffs;
  - b. Provide new vertical accessways in areas of limited public accessibility, where feasible;
  - c. Incorporate pedestrian, hiking, bicycle, and equestrian trails, where appropriate;
  - d. Provide connections to beaches, parks, recreational facilities, and trail systems where possible;
  - e. Integrate into project designs, such as restaurants with outdoor waterfront dining areas and boarding areas for charter and excursion vessels, where appropriate;
  - f. Ensure access to coastal view corridors, where possible;
  - g. Facilitate alternative modes of transportation, where possible;
  - h. Minimize alterations to natural landforms;
  - i. Account for long-term projections in sea level rise;
  - j. Protect environmentally sensitive habitat areas; and
  - k. Protect private property rights.
2. **Open and Unobstructed.** Public access shall be open and unobstructed.
3. **Barriers Prohibited.** Development designed to restrict access to and along the shoreline or coastal bluffs (i.e., barriers, gates, guardhouses, private streets, etc.) shall be prohibited.
4. **Location in Setback Areas.** Public access easements may be provided within required setback areas.

5. **Privacy Buffers.** A 10-foot wide buffer area between a public accessway and a residential structure shall be provided on the site when necessary to protect the landowner's privacy or security as well as the public's right to use the accessway. The review authority may reduce the width of the buffer area where separation is achieved through landscaping, fences, or changes in grade elevation.
6. **Sensitive Areas.** Public access improvements shall be sited, designed, and maintained to avoid or minimize impacts to environmentally sensitive habitat areas (ESHAs), wetlands, coastal dunes, and other sensitive resource areas in compliance with Chapter 21.30B (Environmentally Sensitive Areas).
7. **Lateral Access Design Features.**
  - a. **Location.**
    - (1) A lateral accessway shall extend along the entire width of a lot.
    - (2) A lateral accessway shall be located on land, when feasible. A lateral accessway that consists of decking and/or boardwalks extending over the water or floating walkways may be allowed only when existing development makes onshore lateral access infeasible or as part of a comprehensive program to provide waterfront access.
  - b. **Minimum Width.** Lateral accessways shall be the following minimum widths:
    - (1) **Lots With Dry Sand or Rocky Coastal Beaches.** For lots with dry sand or rocky coastal beaches, a lateral accessway shall be a strip of land that extends landward from the mean high water line the greater of the following distances:
      - (a) 10 feet; or
      - (b) If the width of the beach is greater than 10 feet, to a fixed point at the most seaward of the primary extent of development, the toe of the bluff, or the first line of terrestrial vegetation. For purposes of this paragraph, the primary extent of development shall mean the intersection of sand with toe of revetment, the vertical face of a bulkhead, or other appropriate boundary (e.g., drip line of a deck, etc.).
    - (2) **Lots With Shoreline Protective Devices.** For lots with shoreline protective devices, a lateral accessway shall be a minimum of 10 feet in width as measured landward from the shoreline protective device.
    - (3) **Lots on Coastal Blufftops.** For lots on a coastal blufftops, a lateral accessway shall be a minimum of 10 feet in width as measured upland from the bluff edge.
  - c. **Construction Design.** A lateral accessway may include open or enclosed unobstructed walkways; exterior decking and/or boardwalks;

interior breezeways and/or walkways with a minimum vertical clearance of 8 feet above-grade, provided that the breezeways are located as close as possible to the water and are designed to provide the most direct, convenient connection between adjacent existing or potential lateral access. Exterior access is preferred over interior access.

8. **Vertical Access Design Features.**

- a. **Location.** Where feasible, a minimum of one vertical accessway at every street stub, or where there are no street stubs, at every 500 feet.
- b. **Linkage.** Where feasible, vertical accessways shall link with lateral accessways.
- c. **Minimum Width.** A vertical accessway shall be a minimum of 6 feet in width.

9. **Coastal Bluff Access Design Features.**

- a. **Lateral Access.** See Section 21.30A.050 (A)(7)(b)(3).
- b. **Street and Trail Connections.** Public access to coastal bluff areas shall be provided through design of the local street system and through the location of public trails and walkways adjacent to the bluffs.
- c. **View Parks and Vista Points.** Areas adjacent to coastal bluffs having significant view potential shall be designated for use as view parks or vista points consistent with parkland dedication requirements.

10. **Bayfront Amenities.** Development along the bayfront shall provide amenities to assure access for coastal visitors.

B. **Usage Limits.** Controls on the time, place, and manner of uses (e.g., limiting access to pass and repass; restricting hours of use; etc.) may be imposed in compliance with Section 21.52.040 (Coastal Development Permits).

C. **Signage.** Public accessways shall be identified by signs that conform to the coastal access signing program of the California Coastal Conservancy/Coastal Commission.

D. **Removal of Unauthorized Structures.** Unauthorized structures, including signs and fences, that inhibit public access shall be removed.

E. **Parking.**

1. Restrictions on public parking (e.g., the posting of “no parking” signs, painting curbs red, installation of physical barriers, etc.), shall be prohibited.

- a. **Exception.** The reviewing body may waive this standard where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety.
- b. **Mitigation.** Development that results in restrictions on public parking shall provide an equivalent quantity of public parking nearby as mitigation for impacts to coastal access and recreation, where feasible.

2. Commercial or institutional development causing or contributing to adverse impacts to public access or recreation may be conditioned to allow use of parking areas for public access outside of normal business hours (i.e., on weekends and holidays), where feasible. Parking areas may be used for motor vehicle parking, bicycle parking, or in conjunction with public transit or shuttles that serve coastal recreational areas.
  3. Parking shall be provided by the developer in conjunction with new or improved vertical accessways, whenever feasible and consistent with site constraints, environmental constraints, and safety conditions.
- F. **Interference with Public Use Prohibited.** After making an offer to dedicate public access in compliance with this Chapter, the property owner shall not interfere with use by the public of the areas subject to the offer before and after acceptance by the responsible entity.
- G. **Encroachments Prohibited.** Encroachments or the installation of private improvements into public accessways shall be strictly prohibited.
- H. **Prescriptive Rights.**
1. **Location of Development Where Prescriptive Rights Identified.** The design and siting of development shall not interfere with the potential public rights based on historic public use; unless the review authority determines that replacement public access of an equivalent type, intensity, and area will be provided on, or reasonably adjacent to, the development site.
  2. **Condition Not Determinative of Prescriptive Rights.** An access condition shall not serve to extinguish, adjudicate or waive potential prescriptive rights. The following language shall be added to the access condition in a permit with possible prescriptive rights:

"Nothing in this condition shall be construed to constitute a waiver of, or a determination on, an issue of prescriptive rights that may exist on the lot itself or on the designated easement."
- I. **Unauthorized Structures.** All unauthorized structures, including signs and fences, which inhibit public access shall be removed.
- J. **Modification or Waiver of Public Access Requirements.**
1. **Lateral Access.** The lateral access requirements specified in Section 21.30A.050 (A) (1) may be waived or modified in the following situations:
    - a. When the applicant can demonstrate, based on an engineering analysis, that all or a portion of such access is physically infeasible and there are no design alternatives capable of overcoming topographical or site constraints that jeopardize public safety or fragile coastal resources.
    - b. Where marine sales and service equipment and operations present security or public safety concerns, waterfront access detours are necessary in order to maintain facilities and services essential to the operation of the harbor.

2. **Vertical Access.** The vertical access requirements specified in Section 21.30A.050 (A) (2) may be waived or modified in the following situations:
  - a. When the provisions of new accessways are inconsistent with public safety, military security needs, or the protection of fragile resources.
  - b. When adequate access exists nearby.
3. **Coastal Bluff Access.** The coastal bluff access requirements specified in Section 21.30A.050 (B) may be waived or modified in the following situations:
  - a. When the design of the existing local street system and/or the location of existing public trails and walkways cause all or a portion of such access to be physically infeasible and there are no design alternatives capable of overcoming these constraints.
  - b. When the applicant can demonstrate, based on an engineering analysis, including slope stability analysis and erosion rate estimates, that all or a portion of such access is physically infeasible and there are no design alternatives capable of overcoming topographical or site constraints that jeopardize public safety or fragile coastal resources.
  - c. When adequate access exists nearby.

#### **21.30A.060 – Access Title and Guarantee**

Where public coastal accessways are required as a condition of approval of a coastal development permit or other authorization, a guarantee of the access through deed restriction, or dedication of right-of-way or easement shall be required. Prior to the approval of a coastal development permit or other authorization, the method and form of the access guarantee shall be approved by City Attorney, and shall be recorded in the office of the County Recorder, identifying the precise location and area to be set aside for public access. The method of access guarantee shall be chosen according to the following criteria:

- A. **Deed Restriction.** A deed restriction shall be used only where an owner, association or corporation agrees to assume responsibility for maintenance of and liability for the public access area, subject to approval by the Director.
- B. **Grant of Fee Interest or Easement.** A grant of fee interest or easement shall be used when a public agency or private organization approved by the City Council is willing to assume ownership, maintenance and liability for the access.
- C. **Offer of Dedication.** An offer of dedication shall be used when no public agency, private organization or individual is willing to accept fee interest or easement for accessway maintenance and liability. These offers shall not be accepted until maintenance responsibility and liability is established.

#### **21.30A.070 – Timing of Access Requirements**

The type and extent of access to be dedicated, and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, shall be established at the time of coastal development permit approval or other authorization, as provided by this section.



- A. **Guarantee Precedes Permit Issuance.** The guarantee of public access in the form required in compliance with Section 21.52.040 (Coastal Development Permits) shall occur before issuance of construction permits or the start of construction activity not requiring a permit.
- B. **Construction of Improvements.** Construction of improvements shall occur at the same time as construction of the approved development, unless another time is established through conditions of coastal development permit approval or other authorization.
- C. **Interference with Public Use Prohibited.** Following an offer to dedicate public access pursuant to this section; the property owner shall not interfere with use by the public of the areas subject to the offer before and after acceptance by the responsible entity.

#### **21.30A.080 – Management and Maintenance**

- A. **Controls.** The City may require controls on the time, place and manner of public access when justified by site characteristics, including topographic and geologic conditions, the intensity of use and the capacity of the site to sustain the use, the fragility of natural resource areas, the need to protect the privacy or security of residential development, public safety services access, and the provision of support facilities.
- B. **Management Plan.** A management plan may be required in conjunction with a dedication of public access in any case where there is substantial evidence of potential conflicts between public access use and other uses on or immediately adjacent to the site.
- C. **Maintenance.** A dedicated public accessway shall not be required to be opened to public use until a public agency or private association approved by the City Council agrees to accept responsibility for maintenance and liability of the access, except in cases where immediate public access is implemented through a deed restriction.